



2665

PTO/SB/21 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

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Total Number of Pages in This Submission

26

Application Number

09/853,816

Filing Date

May 11, 2001

First Named Inventor

Tobagi

Art Unit

2665

Examiner Name

Phan

Attorney Docket Number

PA1689US

### ENCLOSURES (Check all that apply)

- |   |   |   |
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| <input type="checkbox"/> Fee Transmittal Form                             | <input type="checkbox"/> Drawing(s)                                       | <input type="checkbox"/> After Allowance Communication to TC                            |
| <input checked="" type="checkbox"/> Fee Attached                          | <input type="checkbox"/> Licensing-related Papers                         | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input checked="" type="checkbox"/> Amendment/Reply                       | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final                                      | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                        | <input type="checkbox"/> Power of Attorney, Revocation                    | <input type="checkbox"/> Status Letter  |
| <input checked="" type="checkbox"/> Extension of Time Request             | <input type="checkbox"/> Change of Correspondence Address                 | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):         |
| <input type="checkbox"/> Express Abandonment Request                      | <input type="checkbox"/> Terminal Disclaimer                              | 1) Confirmation Postcard;   |
| <input checked="" type="checkbox"/> Information Disclosure Statement      | <input type="checkbox"/> Request for Refund                               | 2) Duplicate Copy of Information Disclosure Statement;                                  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)           | <input type="checkbox"/> CD, Number of CD(s) _____                        | 3) PTO-SB-08 (x2);  |
| <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application   | <input type="checkbox"/> Landscape Table on CD                            | 4) Two Non-Patent References  |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 |   |   |

#### Remarks

Total page number does not include postcard.

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### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Carr & Ferrell LLP

Cust. No. 22830

Signature

Printed name

Susan Yee

Date

May 9, 2005

Reg. No.

41,388

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Tobagi et al.

APPLICATION NO.: 09/853,816

FILING DATE: May 11, 2001

TITLE: System and Method for Controlling Data Transfer Rates  
on a Network

EXAMINER: Man U. Phan


ART UNIT: 2665

ATTY. DKT. NO.: PA1689US

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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
Under 37 C.F.R. §§ 1.56, and 1.97-1.98

SIR:

Pursuant to the provisions of 37 C.F.R. §§ 1.56 and 1.97-98 of the Rules of Practice in Patent Cases, enclosed herewith is form PTO-SB-08 listing several references.

The Examiner is requested to make these references of official record in the application. The references cited may be material to examination of the application and

is submitted in compliance with Applicants' duty of disclosure as defined by 37 C.F.R. § 1.56.

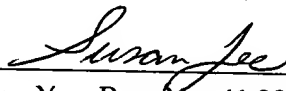
The Examiner is authorized to charge any fee due to **Deposit Account 06-0600**.  
A duplicate copy of this statement is enclosed for this purpose.

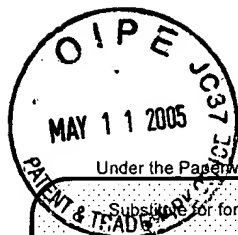
No representation is made or intended as to the completeness of this list, nor is the inclusion of any reference on this list an admission that it is prior art or pertinent to this application.

Respectfully submitted,  
Fouad Tobagi et al.

May 9, 2005

By:

  
\_\_\_\_\_  
Susan Yee, Reg. No. 41,388  
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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**Complete if Known**

Application Number	09/853,816
Filing Date	May 11, 2001
First Named Inventor	Tobagi
Art Unit	2665
Examiner Name	Phan
Attorney Docket Number	PA1689US

Sheet 1 of 3

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 5,920,701	07-06-1999	Miller et al.	
		US- 6,052,710	04-18-2000	Saliba et al.	
		US- 6,560,651	05-06-2003	Katz et al.	
		US- 6,775,665	08-10-2004	Piersol	
		US- 6,427,140	07-30-2002	Ginter et al.	
		US- 6,098,096	08-01-2000	Tsirigotis et al.	
		US- 6,141,754	10-31-2000	Choy	
		US- 6,324,570	11-27-2001	Tonchev et al.	
		US- 4,642,758	02-10-1987	Teng	
		US- 5,523,854	06-04-1996	Hornsby	
		US- 5,557,320	09-17-1996	Krebs	
		US- 5,708,960	01-13-1998	Kamisaka et al.	
		US- 5,920,700	07-06-1999	Gordon et al.	
		US- 6,003,082	12-14-1999	Gampper et al.	
		US- 6,098,064	08-01-2000	Pirolli et al.	
		US- 6,134,584	10-17-2000	Chang et al.	
		US- 6,240,460	05-29-2001	Mitsutake et al.	
		US- 6,208,661	03-27-2001	Marshall	
		US- 6,332,023	12-18-2001	Porter et al.	

**FOREIGN PATENT DOCUMENTS**

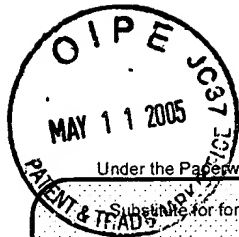
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

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SignatureDate  
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PTO/SB/08A (08-03)

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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**Complete if Known**

Application Number	09/853,816
Filing Date	May 11, 2001
First Named Inventor	Tobagi
Art Unit	2665
Examiner Name	Phan
Attorney Docket Number	PA16869US

Sheet 2 of 3

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 6,337,850	01-08-2002	Nakano et al.	
		US- 6,748,447	06-08-2004	Basani et al.	
		US- 5,933,603	08-03-1999	Vahalia et al.	
		US- 5,978,363	11-02-1999	Dimitrijevic et al.	
		US- 6,070,191	05-30-2000	Narendran et al.	
		US- 6,134,596	10-17-2000	Bolosky et al.	
		US- 6,374,336	04-16-2002	Peters et al.	
		US-			
		US- 2002/0083185	06-27-2002	Ruttenberg et al.	
		US- 2004/0022191	02-05-2004	Bernet et al.	
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		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

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<b>Filing Date</b>	May 11, 2001
<b>First Named Inventor</b>	Tobagi
<b>Art Unit</b>	2665
<b>Examiner Name</b>	Phan
<b>Attorney Docket Number</b>	PA1689US

Sheet	3	of	3
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## NON PATENT LITERATURE DOCUMENTS

[illegible]

Examiner Signature		Date Considered	
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